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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Attorney Docket No.	H1938-00036
First Inventor	WILLIAM J. KYTE
Title	Textured Grout Composition, Dispenser... S
Express Mail Label No.	EV 175965718 US S

10/669991

## **APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:** Assistant Commissioner, Box Patent Application  
Box Patent Application  
Washington, DC 20231

- |   |  |   |  |
|---|--|---|--|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br><i>(Submit an original and a duplicate for fee processing)</i>                                       |  | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program ( <i>Appendix</i> )  |  |
| 2. <input checked="" type="checkbox"/> Applicant claims small entity status.<br>See 37 CFR 1.27.  |  | 8. Nucleotide and/or Amino Acid Sequence Submission<br>( <i>if applicable, all necessary</i> )  |  |
| 3. <input checked="" type="checkbox"/> Specification<br><i>(preferred arrangement set forth below)</i>  |  | a. <input type="checkbox"/> Computer Readable Form (CRF)  |  |
|   |  | b. Specification Sequence Listing on:   |  |
|   |  | i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or   |  |
|   |  | ii. <input type="checkbox"/> paper  |  |
|   |  | c. <input type="checkbox"/> Statements verifying identity of above copies   |  |
| <b>ACCOMPANYING APPLICATION PARTS</b>   |  |   |  |
| 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [ Total Sheets 7 ]  |  | 9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))  |  |
| 5. Oath or Declaration [ Total Pages 4 ]  |  | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement<br><i>(when there is an assignee)</i> <input checked="" type="checkbox"/> Power of Attorney   |  |
| a. <input checked="" type="checkbox"/> Newly executed (original or copy)  |  | 11. <input type="checkbox"/> English Translation Document ( <i>if applicable</i> )  |  |
| b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d))<br><i>(for continuation/divisional with Box 18 completed)</i>   |  | 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations                       |  |
| i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br>Signed statement attached deleting inventor(s)<br>named in the prior application, see 37 CFR<br>1.63(d)(2) and 1.33(b). |  | 13. <input type="checkbox"/> Preliminary Amendment  |  |
|   |  | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i>                              |  |
|   |  | 15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><i>(if foreign priority is claimed)</i>                                      |  |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76   |  | 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122<br>(b)(2)(B)(i). Applicant must attach form PTO/SB/35<br>or its equivalent. |  |
|   |  | 17. <input checked="" type="checkbox"/> Other: CERT: OF EXPRESS MAILING; CHECK  |  |

**18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, if any, Application Data Sheet under 37 CFR 1.76:**

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_ /

**Prior application information:** \_\_\_\_\_ **Examiner:** \_\_\_\_\_ **Group Art Unit:** \_\_\_\_\_  
**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. Any subsequent amendment, however, shall not be considered as a part of this application parts.

**18. CORRESPONDENCE ADDRESS**

<input type="checkbox"/>	Customer Number or Bar Code Label	08933	or <input checked="" type="checkbox"/>	Correspondence address below
Name	SAMUEL W. APICELLI			
Address	DUANE MORRIS LLP 305 NORTH FRONT STREET, P.O. BOX 1003			
	HARRISBURG	State	PA	Zip Code
City	Telephone	717-237-5516	Fax	717-232-4015
Country	USA			

Name (Print/Type)	SAMUEL W. APICELLI	Registration No. (Attorney/Agent)	36,427
Signature			Date 9/24/03

*[Signature]* **Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 820)

## Complete if Known

Application Number	
Filing Date	Herewith
First Named Inventor	William J. Kyte
Examiner Name	NOT YET KNOWN
Art Unit	NOT YET KNOWN
Attorney Docket No.	H1938-00036

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number

Deposit Account Name

04-1679

DUANE MORRIS LLP

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments
   
 Charge any additional fee(s) during the pendency of this application
   
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	375
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$ 375)	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims			Fee from below	Fee Paid
	Independent Claims	Multiple Dependent	Fee Code (\$)		
65	-20** = 45	x 9	= 405		
3	-3** = 0	x 0	= 0		

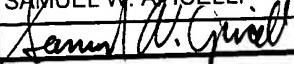
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 405)

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40.00
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3)	(\$ 40.00)

(Complete if applicable)

SUBMITTED BY			
Name (Print/Type)	SAMUEL W. APICELLI		
Signature			
Registration No. (Attorney/Agent)	36,427	Telephone	717-237-5516
Date	9/24/03		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William J. Kyte, Richard F. Tripodi, and Robert Ambroffi, Jr.

Serial No.: Not yet known

Filing Date: Herewith

For: TEXTURED GROUT COMPOSITION, DISPENSER THEREFOR,  
AND METHOD OF USE

CERTIFICATE OF EXPRESS MAIL

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. BOX 1450

Alexandria, VA 22313-1450

Sir:

I hereby certify that this document, namely the above-identified **Utility Patent Application** is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

"Express Mail" mailing label number EV 175965718US

Date of Deposit September 24, 2003.

Respectfully submitted,

Date: 9/24/03

  
\_\_\_\_\_  
Samuel W. Apicelli, Esq.  
Registration No. 36427  
Customer Number 08933  
Duane Morris LLP  
305 North Front Street, P.O. Box 1003  
Harrisburg, PA 17108-1003  
Telephone: (717) 237-5516

Docket No: H1938-00036

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